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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,810	09/11/2003	Peter Gerrard	0112300-1633	7059
29159 7590 08/30/2007 BELL, BOYD & LLOYD LLP P.O. Box 1135 CHICAGO, IL 60690			EXAMINER RENDON, CHRISTIAN E	
			ART UNIT 3714	PAPER NUMBER
			NOTIFICATION DATE 08/30/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATENTS@BELLBOYD.COM

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/660,810	GERRARD ET AL.	
	Examiner	Art Unit	
	Christian E. Rendón	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION*****Response to Amendment***

This office action is in response to the amendment filed August 16, 2007 in which applicant has amended the following claims 1, 17, 30, and 43, and a response to the claim rejections. Claims 1-56 are still pending.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-7, 9-14, 1621, 2328, 3033, 35-40, 42-47 and 49-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Claypole (GB 2353128A) in view of Vancura (US 6,843,721 B2).**

1. Regarding claims 1, 17, 30 and 43, Claypole designed a game "to increase the player's perception that their tactics and skill will result in a greater chance of winning" (pg. 1, par 3, line 4) by adding several elements that encourage strategic planning. One of these elements is the multiple colored: Red, Blue, and Yellow trails of different lengths (pg. 9, par 2, line 2) that are also divided into a different number of segments. Each segment on the trail is viewed as an indicator because the player's current position on each trail (pg. 6, par 5, line 1) is represented through the illumination of the appropriate square (pg. 11, par 3, line 1). Movement through the trail occurs when a user lines up the same symbol along any of the visible horizontal or contribution lines, then those symbols may contribute to their respective trails (pg. 2-3, par 6, line 1). Only the reel symbols that have a 'number' or points associated with them (pg. 3, par 3, line 1) that can grant the player that same 'number' of spaces (points) on the trail (pg. 3, par 4, line 1). Therefore, the reels or rotatable display are viewed as an indicator generator. Each trail has a different award on certain positions (pg. 9, par 2, line 4)

Art Unit: 3714

and an ultimate award at the end of the trail (Figure 3, item 1). A player wins an award only when their marker lands on the award spot (pg. 4, par. 3, lines 10-11). Therefore the ultimate award is won by accumulating all the lights or indicators in that trail or group.

2. Claypole also discloses an embodiment that activates a feature that moves the player around the track when a player presses the "gamble" button (pg. 10, lines 26-28). The system randomly offers the player a good result (a prize or bonus game square), a neutral result (a square) (pg. 10, lines 24-30) or a negative result (the lose of their position) (pg. 11, lines 1-2). In other words, the 'gamble' button offers another level of strategy to the game since the player is risking being forced to move backwards a few spots or starting all over again from the beginning, resulting in the resetting of the indicators as well as the top game.

3. Claypole is silent about how the primary and secondary game can end, leaving one of ordinary skill to assume that a player can attempt to collect all future possible bonuses until he/she loses enough interest or money to stop. However it is pretty obvious that once a game ends all of the accumulated lights would reset to allow the next player a chance to play the game their own way. Furthermore, Vancura discloses a method for playing a casino game that ends randomly after every player choice of an object (Vancura: abstract). Vancura believes this feature will create a considerable level of suspense since the player will never know how long the game will continue to last (Vancura: col. 2, lines 12-16). Therefore one of ordinary skill would include this 'suspense' feature in Claypole's design to further increase the strategic difficulty of the game.

4. Regarding claims 2-4, 18 and 44, Claypole discloses a basic slot machine with multiple (pg. 2, par 2, line 1) mechanical (pg. 6, par 4, line 1) or video (pg. 2, par 3, line 1) reels. The reels are viewed as indicator generator as mention previously and are adjacent to multiple colored "trails along which a user can move dependant upon the points awarded to the user" (pg. 2, par 1, line 3).

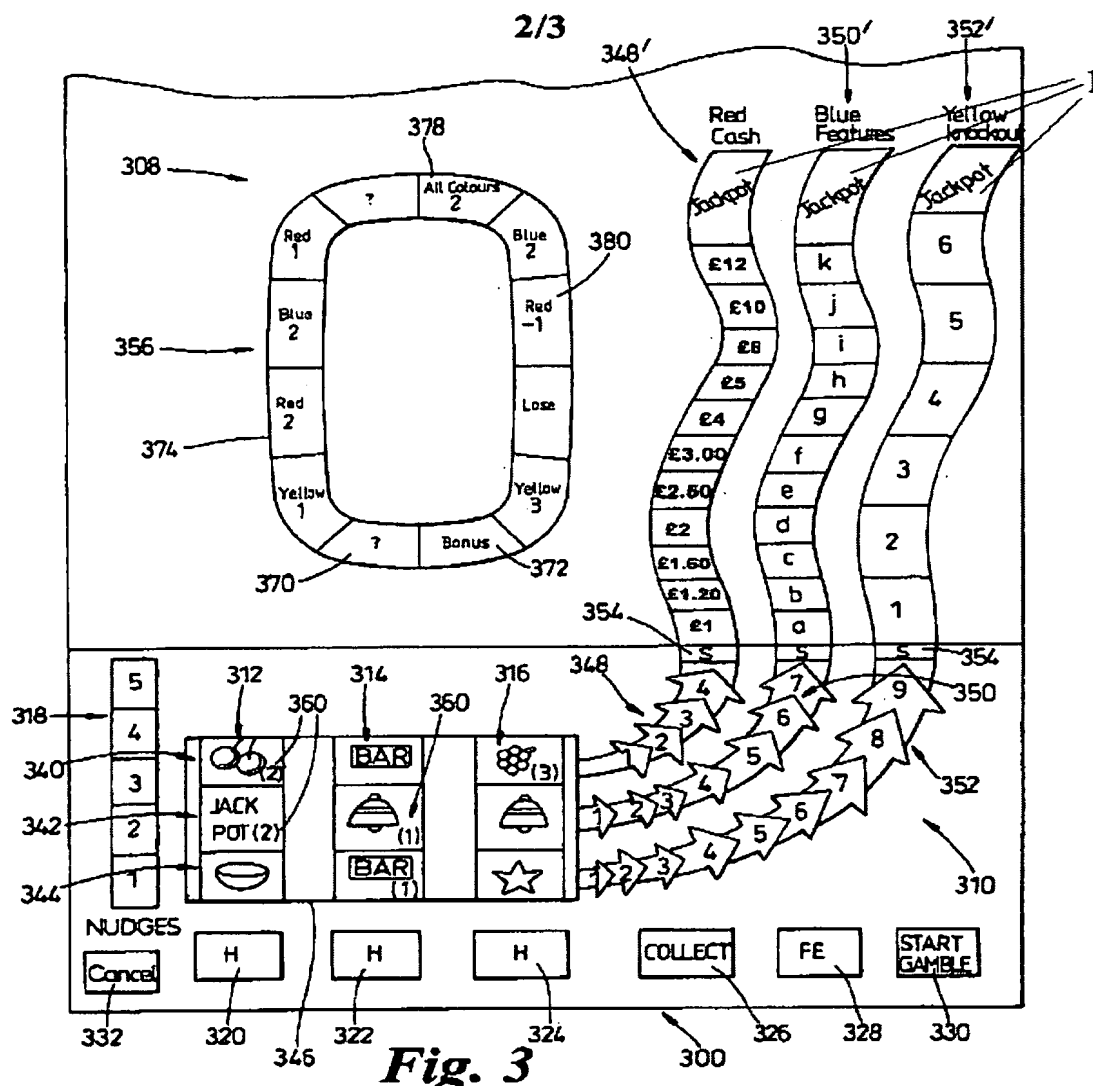
Art Unit: 3714

5. Regarding claims 5-7, 9-10, 19-21 and 23-24, Vancura discloses the probability of a game randomly ending increases after a player chooses an object (Vancura: claim 10), in other words as a game progresses (Vancura: claim 6). In one embodiment, the probability of game ending starts at 14%, after the first choice becomes 15% and 16% after the second choice; increasing 1% for each progressive choice that is made by the player. Therefore the probability of a game ending randomly is associated with the game and pre-determined. The objects that a player can choose are associated with awards (Vancura: col. 2, lines 8-10). The accumulation of all of the indicators results in rewarding of the ultimate prize therefore each time a regular or ultimate prize is won in the art combination of Claypole and Vancura the probability of the game ending randomly will change.

6. Regarding claims 11-14, 25-28, 31-32, 35-40, 45-47 and 49-54, Claypole has added another strategic element by giving the player the choice to "hold" a reel and "nudge" a symbol (pg. 1, par 3, line 4). Both features allow for the player to contribute their points on two different trails (pg. 2, par 5, line 2) (pg. 3, par 5, line 2) when they chose too. The "Hold" feature is offered randomly and allows the player to hold the reel in place for the purpose of causing a match on a contribution line to occur (pg. 10, par 2, line 2). "Nudges" are also offered randomly (pg. 8, par 4, line 3) which allows the player to add points from a "contribution line A" to any number of contribution lines that are below line A (pg. 9, par 1, line 2). In other words, a player could win 4 points on the top most line and decide to "nudge" the points down two levels, giving the next two lines 4 points each as well. Therefore, the slot reels that randomly distribute numbers are viewed as an indicator generator and the ability to associated these numbers to the multiple award columns of different colored lights or different colored trails of lights (pg. 11, par 3, line 1) is offered to the player randomly. Furthermore, an award will now have multiple probabilities associated with it since the offering of a 'Nudges' and 'Hold', the position of an award on paths of various lengths and the slot reels all have different uncorrelated probabilities.

Art Unit: 3714

7. Regarding claim 16, Lastly, referring to claims 1, 16, 17, 30, 42, 43, and 56 it would be obvious to someone of ordinary skill in the art to program the processor of the game machine to reset the indicators of an award group when the prize is awarded to the player or at the end of a game.



Claims 8, 15, 22, 29, 34, 41, 48 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Claypole (GB 2353128A) in view of Vancura (US 6,843,721 B2) and in further view of Seelig (US 2003/0036418 A1).

8. The above description of the art combination of Claypole and Vancura and the limitations they pertain is considered within this art rejection as well. The art combination fails to disclose basing any outcome with the wager made by the player. Seelig teaches a casino game that determines when to

Art Unit: 3714

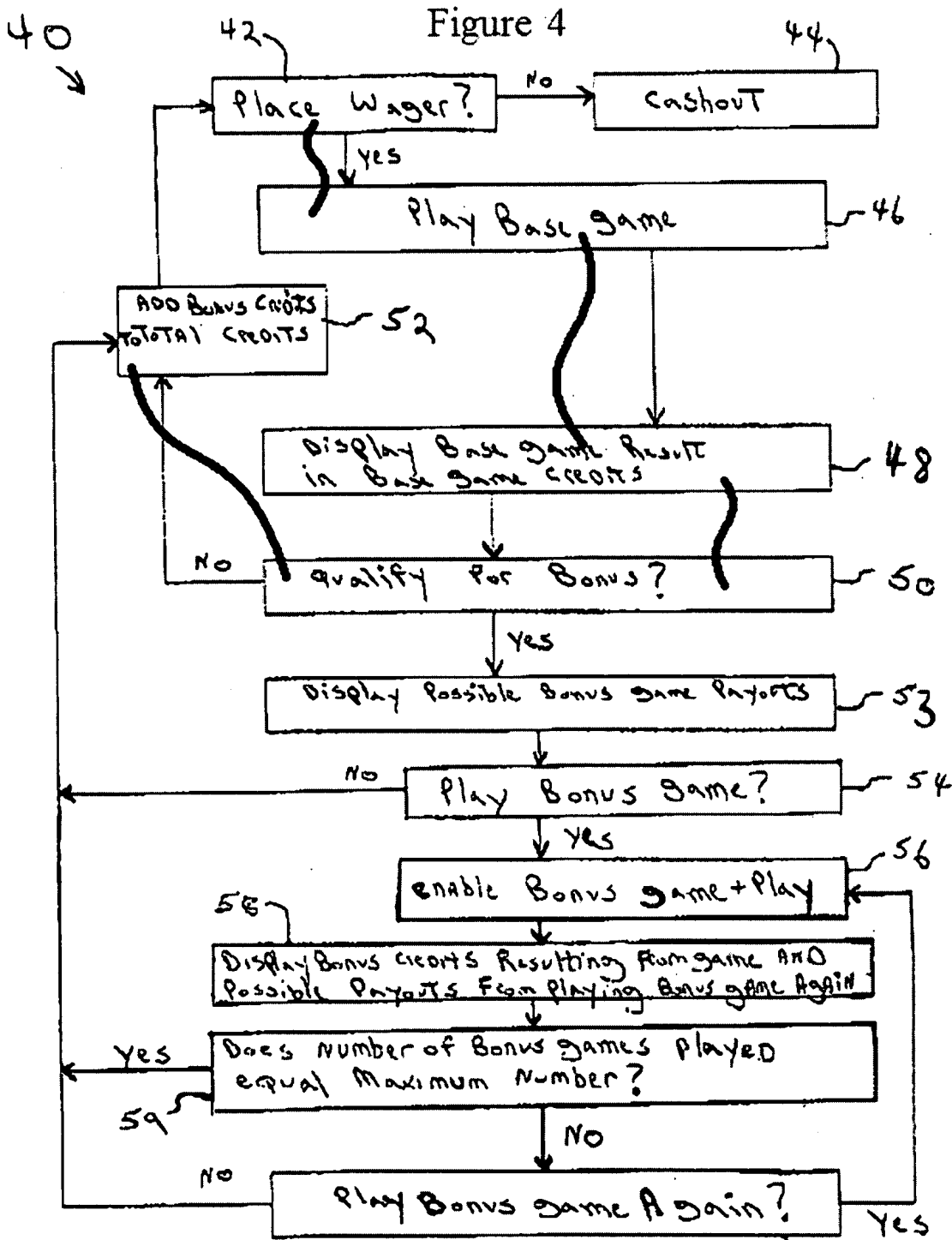
offer the player a choice between a prize or a bonus game based on the wager and a predetermined value (Seelig: claim 33). Figure 4 is a flowchart of the preferred embodiment of Seelig invention (Seelig: par 36, line 1). The 'Bold Curved Path' illustrates the shortest game a player can experience from beginning to end. The event 'Qualify for Bonus' (Seelig: figure 4, item 52) refers to the awarding of a prize or the triggering of a bonus game (Seelig: par 37, pg. 3, line 2) because a predetermined event and/or an accumulation of events were met (Seelig: par 37, pg. 3, line 5). When a player loses in the 'base game' (Seelig: figure 4, item 46 & 48) and does not trigger the bonus game, zero credits will be added to 'Total Credits' and 'Bonus Credits' (Seelig: par 37, pg. 3, line 10). If the player has a total of zero credits and decides to not wager any more money then the player has reached the 'end of the game.' Therefore, Seelig teaches a method that uses a predetermination based on a wager allow a player to win a prize (rejecting claims 34, 48 and 55) and experience to unfortunate event of a game ending suddenly (rejecting claims 8 and 22).

9. Therefore, it would have been obvious, to one of ordinary skill in the art at the time the invention was made, to combine the method of award and 'end of the game' determination disclosed by Seelig with the art combination of Claypole and Vancura in order to provide another strategic element that will "increase the player's perception that their tactics and skill will result in a greater chance of winning" (pg. 1, par 3, line 4). In other words, if the player knew that the odds of winning a prize and losing a game changed every time they won a prize and were based on their wager then this would encourage a player to formulate a strategic plan instead of deciding on 'what to do next' randomly.

10. Regarding claims 15, 29 and 41, the art combination of these three references would also teach basing the generation of the number of indicators on a wager. Since Vancura and Seelig already teaches the strategic element that a player's actions affect the game's outcome. Therefore

Art Unit: 3714

the player's wager would also be a factor in the calculation of the generation of a bonus number that help the player achieve an award.





Art Unit: 3714

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian E. Rendón whose telephone number is 571-272-3117. The examiner can normally be reached on 9 - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christian E Rendón  
Examiner  
Art Unit 3714

CER

  
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